

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2264 OF 2013

ORDER:

This Criminal Revision Case, under Sections 397 & 401 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C."), is directed against the judgment, dated 05.08.2013, in CrI.A.No.641 of 2012, on the file of the V Additional Metropolitan Sessions Judge (Mahila Court), at Hyderabad, whereunder and whereby the learned Sessions Judge dismissed the criminal appeal by confirming the order, dated 06.07.2012, in D.V.C.No.55 of 2012, passed by the III Metropolitan Magistrate, Hyderabad.

2. The brief facts, that are necessary for the disposal of the present Criminal Revision Case, may be stated as follows:

The 2nd respondent is the legally wedded wife of the 1st petitioner and their marriage took place on 25.11.2011 at Hyderabad. At the time of marriage the parents of the 2nd respondent gave a dowry of cash of Rs.3,50,000/-, 30 tulas of gold and 2 kgs of silver and other household furniture. Immediately after the marriage, the 2nd respondent joined with the conjugal society of the 1st petitioner at their house and lead a happy marital life only for a period of 2 or 3 weeks and thereafter started harassing the 2nd respondent by demanding to get additional dowry and also to transfer the portion of house of her father situated at Chandanagar, Hyderabad. But as the 2nd respondent did not agree for the said illegal demand, then both the petitioners increased the harassment towards the 2nd respondent and also used to send her to her parents house. Though the father of the 2nd respondent paid an amount of Rs.3,00,000/-, but the petitioners have not satisfied with such payment and even subsequent to that also, the

petitioners continued their harassment. Ultimately as the harassment of the 2nd respondent became unbearable, she laid a report on 26.06.2006 to women protection cell for which the petitioners undertook before police to take her back after signing on a stamp paper on 31.07.2006 and accordingly though the petitioners took her back to the Mydukur, but they looked after her properly only for one week. Later, again started harassing the 2nd respondent by demanding to transfer the building at Chandanagar, which stands in the name of her father into the name of 1st petitioner and also for additional dowry of Rs.3,00,000/-. As the harassment of the petitioners was increasing day by day and became unbearable, as no other alternative, the 2nd respondent filed the D.V.C.No.55 of 2012 praying to grant compensation of Rs.10,00,000/-, monthly maintenance and etc., reliefs as the petitioners are contractors and thereby used to earn Rs.50,00,000/- per month and that they are capable to pay such amount to the 2nd respondent, but on the other hand, the 2nd respondent has no source of income except to depend upon her parents or the 1st petitioner. The 2nd respondent also sought for relief of return of dowry amount in that case.

3. During the course of trial of the enquiry in the trial Court in DVC case, on behalf of the 2nd respondent, P.Ws.1 and 2 were examined and Exs.P-1 to P-13 were marked. On the other hand, on behalf of the petitioners, the 1st petitioner examined himself as R.W.1 and Exs.R-1 was marked.

4. Upon considering the material on record, the trial Court partly allowed the petition by granting protection order prohibiting the petitioners from committing any acts of domestic violence against the 2nd respondent at her residence and permitting the 2nd

respondent to live in the shared household at Mydukur in the house bearing D.No.15/530, Srinivasanagar Colony, Cuddapah Road, Mydukur. The 1st petitioner is directed to pay monthly maintenance of Rs.5,000/- from the date of DVC case. The petitioners are directed to pay Rs.3,50,000/- taken by them under Exs.P-1, P-2 and P-4 within specified time and the petitioners are directed to pay compensation of Rs.5,00,000/- to the 2nd respondent within a period of six months towards compensation. Aggrieved by the judgment of the trial Court, the petitioners filed CrI.A.No.641 of 2012 before the V Additional Metropolitan Sessions Judge (Mahila Court) at Hyderabad, whereby the learned Sessions Judge, vide order, dated 06.08.2013, dismissed the criminal appeal by confirming the order of the trial Court, dated 06.07.2012, in D.V.C.No.55 of 2012.

5. Heard and perused the entire material available on record.

6. When the matter was taken up for admission, on 10.10.2013, this Court granted interim stay as far as the compensation amount is concerned and further directed the petitioners to pay the maintenance amount regularly. When the matter is posted today, it is informed by the learned counsel for the 2nd respondent that the order passed by this Court on 10.10.2013 directing the petitioners to pay the maintenance amount regularly is not complied with.

7. Considering the above fact, in spite of the direction of this Court on 10.10.2013, the petitioners are not paying the maintenance amount regularly to the 2nd respondent. Hence, this Court is of the view that there are no grounds to allow the criminal revision case and the same is liable to be dismissed.

8. Accordingly, the Criminal Revision Case is dismissed. Consequently, the Miscellaneous Petitions, if any, pending in this criminal revision case shall stand closed.

RAJA ELANGO, J

Date: 4th August, 2016

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